

UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner:

Group:

Attorney Docket #.: 3474

In re:

Applicant(s): HOFMANN, A., et al

Serial No.: 10/564,669

Filed: 01/13/2006

For: INSERTION TOOL FOR A MACHINE TOOL

PETITION TO REVIVE UNDER 35 CFR 1.137

February 9, 2009

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231


Applicant herewith petitions to revive the subject application.

Applicant herewith states that the abandonment of the application was unintentional and that the entire delay from the due date for reply to the date of filing of a grantable petition was unintentional.

Further attached hereto, is a Renewed Petition under 37 CFR 1.137(b) and 37 CFR 1.47(a). The required fee is submitted herewith. If the fee is missing or insufficient, authorization is given to debit the account of the undersigned 19-4675.

Revival of the application in consideration of the Petition is now respectfully requested.

Respectfully submitted,



Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743

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For: INSERTION TOOL FOR A MACHINE TOOL

RENEWED PETITION UNDER 37 CFR 1.137(b) AND 37 CFR 1.47(a)

February 10, 2009

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Reference is made to the Decision on Petition dated April 4, 2008.

In the decision under 37 CFR 1.42 it has been indicated that the applicants are required to file a Declaration in compliance with 37 CFR 1.497A-B naming the proper inventive entity or a proper change of inventorship and a Declaration in compliance with 37 CFR 1.497 and 1.42.

Applicant herewith submits a Declaration signed by Messrs. Hofmann and Schomisch and Krondorfer. The three available inventors are signing on their own behalf and on behalf of the deceased inventor, Markus Heckmann, a citizen of

Germany. The signature is also on behalf of his legal representative, Kersten Heckmann, a citizen of Germany, whose postal address has been given.

It is noted that Kersten Heckmann, the legal representative of Markus Heckmann, is refusing to sign the Declaration on behalf of the deceased, Markus Heckmann.

Attached hereto is a letter written to Mrs. Markus Heckmann which was delivered via FedEx delivery on May 19, 2008.

It is noted that the FedEx was addressed to Mrs. Markus Heckmann and that the document was delivered on May 19, 2008 signed by a person with the name Burfeind, presumably on behalf of Markus Heckmann. No reply has been received.

It is well known that Kersten Heckmann is refusing to sign any documents on behalf of her deceased husband.

In this respect reference is made to Application Serial No. 10/511,285 in which Markus Heckmann was also a co-inventor and in which Kersten Heckmann refused to sign on behalf of the deceased inventor. In that case, it was indicated that a letter to Kersten Heckmann via FedEx adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Heckmann for signature. Please see also Serial Number 10/554,338.

In the renewed Petition filed on July 31, 2007 of which a copy is attached for ease of reference, it was found that adequate proof therein was submitted that Markus Heckmann lived at the address at the time the delivery was made. Applicant now submits herewith a FedEx receipt dated June 15, 2008 indicating the recipient as Mrs. Markus Heckmann and indicating her correct address.

Since she resided at the address on June 15, 2007, it can be assumed that she also resided at the address in May of 2008 when the subsequent letter was sent to her via FedEx, since this is within one year of her personal signature at the address of record.

It is noted that the two previously named inventors have been dropped as inventors as erroneously included inasmuch as they were not mentioned in the PCT application.

It is therefore respectfully requested that Rule 47 status be given to the subject applications.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', is written over the typed name.

Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743

304 096

DECLARATION AND POWER OF ATTORNEY FOR NATIONAL STAGE OF PCT PATENT APPLICATION

As a below-named inventor, I hereby declare that:

Albrecht HOFMANN
Harald KRONDORFER
Markus HECKMANN
Thomas SCHOMISCH

Each of us on our own behalf and on behalf of the deceased inventor Markus HECKMANN, a citizen of Germany, and his legal representative Kersten HECKMANN, a citizen of Germany, residing at and whose Postal Address is Joh.-Seb.-Bach-Strasse 34, D-70771 Leinfelden-Echterdingen, Germany

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **INSERTION TOOL FOR A MACHINE TOOL** in specification of which was filed as PCT International Application number PCT/EP 2004/052875 filed on November 8, 2004.

I hereby state that I believe the named inventor or inventors in this Declaration to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365 (b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign applications:

Priority Claimed:

<u>103 602 46.1</u>	<u>Germany</u>	<u>DECEMBER 20, 2003</u>	<u>X</u>	
Number	Country	Date Filed	Yes	No

As a named inventor, I hereby appoint the following attorney to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Michael J. Striker, Reg. No. 27233

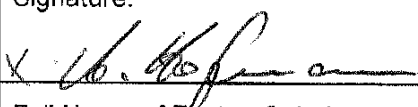

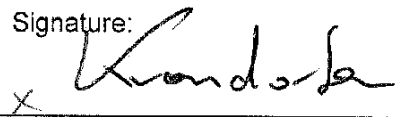
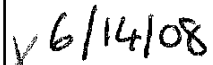
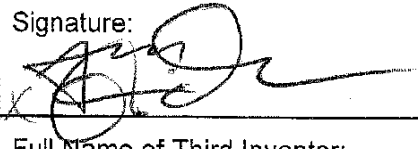
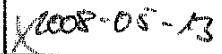
Direct all telephone calls to Striker, Striker & Stenby at telephone no.: (631) 549 4700 and address and all correspondence to:

STRIKER, STRIKER & STENBY
103 East Neck Road
Huntington, New York 11743
U.S.A.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with

the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statement may jeopardize the validity of the application or any patent issued thereon.

Each of us on our own behalf and on behalf of the deceased inventor Markus HECKMANN, and his legal representative, Kersten HECKMANN.

Signature: 	Date: 	Residence and Full Postal Address: Seilerstrasse 11/1 D-71144 Steinenbronn Germany
Full Name of First or Sole Inventor: Albrecht HOFMANN	Citizenship: GERMAN	
Signature: 	Date: 	Residence and Full Postal Address: 2040 Chadwick Way Mundelein, IL 60060 USA
Full Name of Second Inventor: Harald KRONDORFER	Citizenship: GERMAN	
Signature: 	Date: 	Residence and Full Postal Address: Neuffener Weg 56 D-70794 Filderstadt Germany
Full Name of Third Inventor: Thomas SCHOMISCH	Citizenship: GERMAN	
Signature:	Date:	Residence and Full Postal Address:
Full Name of Fourth Inventor:	Citizenship:	
Signature:	Date:	Residence and Full Postal Address:
Full Name of Fifth Inventor:	Citizenship: GERMAN	
Signature:	Date:	Residence and Full Postal Address:
Full Name of Sixth Inventor:	Citizenship:	

May 14, 2008

Mrs. Markus Heckmann
Joh.-Seb.-Bach-Str. 34
D-70771 Leinfelden-Echterdingen
Germany

Re: U.S. Patent Application
Inv.: HOFMANN, A., et al
Serial No.: 10/583,238
Our Ref.: 3477

U.S. Patent Application
Serial No.: 10/564,669
Inv.: HOFMANN, A., et al
Our Ref.: 3474

Dear Mrs. Heckmann:

Your late husband, Markus Heckmann, is named as one of the inventors in each of the above United States Pending applications.

We have been entrusted with the filing and prosecution of these patent applications. We enclose herewith a complete copy of each of the subject applications as filed with the United States Patent and Trademark Office, as well as a copy of the German language text. The English language text is a translation of the German language text.

As your husband, Markus Heckmann is deceased and since you are the legal representative of his estate, we ask that you kindly read each of the applications as filed and thereafter sign and date the enclosed Declaration and thereafter return same to us for filing with the United States Patent and Trademark Office.

Mrs. Markus Heckmann
May 14, 2008
Page 2

Also enclosed is an Assignment form which officially transfers the interest in the invention to Robert Bosch GmbH. This document should also be signed and dated where indicated.

The documents may be returned to us via fax, email or airmail.

Please consider this matter as urgent.

We appreciate your cooperation.

Very truly yours,

Michael J. Striker

MJS/tlf

enclosure

FedEx International Air Waybill

EXPRESS For FedEx services worldwide

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1 From **Sender's Address**
5115/08 Sender's FedEx **1115-2112-3**
 Date Account Number

Sender's Name **MICHAEL STRIKER** Phone **631 549-4700**

Company **STRIKER STRIKER & STENBY**

Address

Address **103 E NECK RD FL 2**

City **HUNTINGTON**

State **NY**

ZIP **117431567**

Country **USA**

2 To Recipient's Name **Mrs. Markus Heckmann**

Company

Address **34h-36h-Bach-Str. 34**

Address

City **Leinfelden-Echterdingen**

Country **Germany** ZIP **70771**

Recipient's Tax ID number for Customs purposes

3 Shipment Information

Total Packages **1** Total Weight **1.00** lbs **0.00** kg **0.00** oz

Shipment Description **Logos Documents**

Country of Manufacture **US**

Value for Customs **41.00**

For U.S. Export Only: Check One

☐ No SSI needed per exemption

☐ SSI needed per exemption

4 Express Package Service

☒ FedEx Intl. Priority

☐ FedEx Intl. First

5 Packaging

☒ FedEx Envelope

☐ FedEx Mailer

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☐ HOLD at FedEx Location

7a Payment of transportation charges for

☒ Sender's FedEx Account No. **1115-2112-3**

7b Payment of duties and taxes for

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8 Your Internal Billing Reference

9 Required Signature

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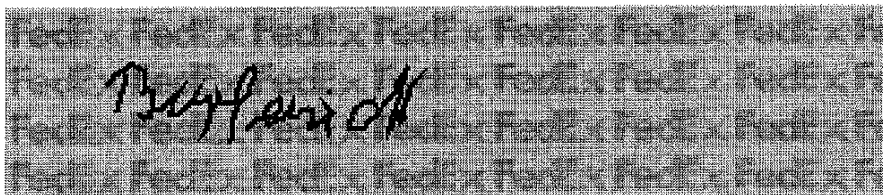
October 14, 2008

Dear Customer:

The following is the proof-of-delivery for tracking number **843745368346**.

Delivery Information:

Status:	Delivered	Delivery date:	May 19, 2008 09:42
Signed for by:	BURFEIND		
Service type:	International Priority Service		



Shipping Information:

Tracking number:	843745368346	Ship date:	May 15, 2008
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Recipient:
LEINFELDEN-ECHTER DINGEN DE

Shipper:
HUNTINGTON, NY US

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